

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Accelerating Wireline Broadband Deployment)	WC Docket No. 17-84
by Removing Barriers to Infrastructure)	
Improvement)	
)	

COMMENTS OF CROWN CASTLE INTERNATIONAL CORP.

Crown Castle International Corp. and its subsidiaries (“Crown Castle”) submit these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking¹ in this docket regarding utility treatment of overloading. As explained herein, in order to further advance the important goal of removing barriers to wireline and wireless broadband deployment, Crown Castle encourages the Commission to (1) clarify that strand-mount antennas are permissible under existing Commission overloading precedent; (2) codify its existing overloading precedent; (3) clarify that pole owners may not require submission of standard “attachment” applications or fee payment by any overloader prior to invoking “notice and attach” procedures; and (4) clarify that any procedural and/or standards change relating to or impacting overloading must be accompanied by a demonstrable, proportionate, and stated rationale based on safety, reliability, or generally accepted engineering practices.

Overloading is vital to the timely delivery of next-generation broadband services. Whereas timelines for initial attachments to utility poles may be quite extensive, overloading

¹ *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking (rel. Nov. 29, 2017) (“FNPRM”).

presents a unique opportunity to quickly deploy telecommunications services in a safe and beneficial manner. In many circumstances, the ability to overlash marks the difference between being able to serve a customer's broadband needs within weeks versus six or more months when delivery of service is dependent upon a new attachment. The ability to overlash under clear procedures will further increase in importance as dependence on broadband and broadband-enabled services continues to proliferate.

Crown Castle is uniquely positioned to meet the challenge to deploy the networks necessary to power a 21st century economy. Founded in 1994, Crown Castle is today one of the nation's largest providers of fiber optic telecommunications services with more than 60,000 route miles of fiber. Crown Castle provisions telecommunications services to myriad customers, including wireless carriers, traditional enterprise customers, educational institutions, and government entities. Since it is still building competitive networks throughout the country, Crown Castle occupies a unique position in the deployment of broadband networks – as an existing attacher, new entrant, pole owner, and overlasher. Accordingly, Crown Castle offers a distinct perspective on the Commission's consideration of codifying its current overlapping precedent.

Crown Castle believes that the Commission's current policies on overlapping have proven very workable, effectively promoting the deployment of wireline and wireless broadband solutions. As the Commission has recognized, overlapping promotes competition, the diversification of telecommunications services, and the availability of new and competitive services.² Furthermore, the benefits of overlapping are not limited to the deployment of new

² See generally *Implementation of Section 703(e) of the Telecommunications Act of 1996 Amendment of the Commission's Rules and Policies Governing Pole Attachments*, CS Docket No. 97-151, Report and Order, 13 FCC Rcd 6777, ¶¶ 60, 62 (1998).

fiber; many cable television amplifiers, splice boxes, and other necessary facilities have been deployed on the strand nationwide with no additional permitting or fees, making these deployments streamlined and, in most cases, seamless. Similarly, the reduced footprint of a wireless antenna mounted directly on the strand is an important tool in the broadband deployment toolbox. In fact, strand-mounted antennas, versus those attached on the pole top or in the communications space, are sometimes preferred by pole owners and communities alike. These attachments have much less impact on pole infrastructure and preserve pole space for climbing and other utility deployments.

Crown Castle encourages the Commission to reaffirm its existing position that strand-mounted small cell antennas are permissible under the existing FCC overloading rules. As the FNPRM observes, “Commission precedent holds that ‘neither the host attaching entity nor the third party overlasher must obtain additional approval from or consent of the utility for overloading other than the approval obtained for the host attachment.’”³ Based on this precedent, which has been recognized and accepted by many utilities, Crown Castle has deployed approximately 1,000 strand-mounted small cell antennas in urban areas to date, and has committed to deploy approximately 4,500 additional strand-mounted small cell antennas across the nation in 2018. Crown Castle believes that the important opportunities to quickly and safely deploy these technologies under the Commission’s overloading precedent should be preserved by codification of that precedent. Accordingly, Crown Castle requests that the Commission clarify

³ See FNPRM at ¶ 160 (citing *Amendment of Commission’s Rules and Policies Governing Pole Attachments*, CS Docket Nos. 97-98 and 97-151, Consolidated Partial Order on Reconsideration, 16 FCC Rcd. 12103, 12141, ¶ 75 (2001) and *Cable Television Ass’n of Georgia, et al., Complainants, v. Georgia Power Co., Respondent*, File No. PA 01-002, Order, 18 FCC Rcd. 16333, 16340-41, ¶ 13 (EB 2003)).

that existing overloading precedent extends to strand-mounted small cell antennas and further codify such precedent.

Crown Castle respectfully requests Commission clarification that its notice and attachment precedent does not permit the demand of a payment for any fee for overloading prior to providing notice of the same. While post-inspection fees or other permissible engineering fees may accrue later, deployment efforts should not be slowed by a demand for payment in advance of notice and attachment. Policies demanding the same represent unlawful barriers to broadband deployment and have served to delay the deployment of competitive broadband services across multiple jurisdictions.

With regard to the Commission's request for comment on precedent that any concerns with overloading should be satisfied by compliance with generally accepted engineering practices, a troubling trend has emerged in connection with utility policies and standards regarding overloading. In spite of clear Commission precedent and guidance on these issues, Crown Castle has encountered attempts by pole owners to circumvent precedent by imposing additional requirements relating to their processes or standards in connection with overloading. Some pole owners have required that an application be submitted for each overload as if a brand new *attachment* is being made, thus triggering attachment make-ready timelines. Other pole owners have included dimension restrictions on strand-mounted equipment in their standards without any engineering rationale or discussion. Often these policies or standards changes are represented as safety-related but without any stated basis or rationale. As Crown Castle previously noted in comments in this docket, many of the new standards or policies adopted by utilities inhibit the deployment of broadband by imposing "construction standards" far in excess

of National Electric Safety Code (“NESC”) and other industry-wide standards.⁴ These excessive standards can often trigger costly, time-consuming processes that directly hamper the FCC’s goal of swift broadband deployment with no corresponding benefit. In light of precedent stating that concerns with overloading should be satisfied by compliance with generally accepted engineering practices, Crown Castle urges the Commission to clarify that utilities implementing procedural and standards changes relating to or impacting overloading must be carefully evaluated and adopted. The basis for such changes must be proportionate, demonstrable, and provide explicit safety, reliability, and generally accepted engineering rationale. Crown Castle also encourages the Commission to clarify that utility policies regarding overloading which impose unnecessary barriers to swift deployment of broadband technologies to enterprise customers are impermissible. Delivery of important broadband services to enterprise sites very commonly requires overloading to deliver lateral building fiber to the nearest access (splice) point for fiber connectivity. Unfortunately, most splices are not located conveniently at the existing pole from which the drop is initiated. Consequently, there is often limited overlash required to connect the fiber to the existing asset. Crown Castle requests Commission clarification that any policies or construction standards which either (a) require standard applications to overlash, rather than notice and attach processes, or (b) direct overlashers to conduct studies unnecessary under generally accepted engineering practices for overloading, do not comply with the Commission’s overloading precedent.

Crown Castle appreciates the opportunity to comment on the important issues pertaining to overloading advanced in the FNPRM and thanks the Commission for continuing to explore

⁴ See generally *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Comments of Crown Castle International Corp., WC Docket No. 17-84 at 4-10 (filed Jun. 15, 2017).

ways to streamline the broadband deployment process. In accordance with Commission precedent and as stated above, Crown Castle encourages the Commission to (1) clarify that strand-mount antennas are permissible under existing Commission overloading precedent; (2) codify its existing overloading precedent; (3) clarify that pole owners may not require submission of standard “attachment” applications or fee payment by any overlasher prior to invoking “notice and attach” procedures; and (4) clarify that any procedural and/or standards change relating to or impacting overloading must be accompanied by a demonstrable, proportionate, and stated rationale based on safety, reliability, and generally accepted engineering practices.

Respectfully submitted,

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